IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 697 of 2007()

(CRIME NO.12 OF 2007 OF PARASSALA POLICE STATION)
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PETITIONER/ACCUSED

D.ANIL KUMAR, AGED 29 YEARS,
S/O. C.DASAN, KATTUKATHERI VEEDU,
AYIRA, AYIRA POST, PARASSALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING SUB INSPECTOR OF
POLICE, PARASSALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE+

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 697 OF 2007 B

Dated this the 7th day of February, 2007

O R D E R

The petitioner, who is the accused in Crime No.12/2007 of Parassala Police Station for an offence punishable under Section 420 I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the petitioner dishonestly induced the de facto complainant to part with a sum of Rs.90,000/- after handing over to him fake gold ornaments. It is too early to accept the petitioner's contention that he was only acting on behalf of the de facto complainant's co-brother, who had committed suicide on 17.1.2006. Anticipatory bail cannot be granted in a case of this nature where custodial interrogation is found inevitable. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any

day between 8.2.2007 and 13.2.2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This bail application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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